

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 04-1879

Dennis Williams,

Appellant,

v.

Sandi Lehman,

Appellee,

Randall Pittman; Platte County Jail,

Defendants.

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* Appeal from the United States
* District Court for the
* Western District of Missouri.

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* **[UNPUBLISHED]**
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Submitted: October 6, 2004
Filed: October 21, 2004

Before MURPHY, RILEY, and SMITH, Circuit Judges.

PER CURIAM.

Missouri inmate Dennis Williams (Williams) appeals following the district court's¹ adverse grant of summary judgment in his 42 U.S.C. § 1983 action, and the court's subsequent denial of his motion for relief from judgment. We grant

¹The Honorable Gary A. Fenner, United States District Judge for the Western District of Missouri.

Williams’s motion to proceed in forma pauperis, and leave the details of collecting the remaining fee to the district court. See Henderson v. Norris, 129 F.3d 481, 484-85 (8th Cir. 1997) (per curiam). Having carefully reviewed the record, we affirm, as modified hereafter. See 8th Cir. R. 47A(a).

We note that the district court stated the dismissal would count as a “strike” under 28 U.S.C. § 1915(g). Because the case was resolved through summary judgment, however, the dismissal does not constitute a “strike,” and we modify the judgment accordingly.
